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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,373	12/12/2001	Eric Rosen	010558	2149

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QUALCOMM INCORPORATED
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EXAMINER

BHATTACHARYA, SAM

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/020,373

Applicant(s)

ROSEN ET AL.

Examiner

Sam Bhattacharya

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2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 21, 26, 31 and 36 rejected under 35 U.S.C. 102(e) as being anticipated by Dutta (US 6,407,986).

Regarding claims 21, 26, 31 and 36, Dutta discloses an apparatus and method for delivering information to a mobile station 110 in a group communication network, including a transmitter and receiver 176 that communicates information over a network, processor SPP coupled with the receiver and the transmitter, the processor encapsulates the information inside a frame, forwards the frame to a server 140 for delivery to the mobile station, and causes the server to extract the information from the frame and deliver the information to the mobile station on a forward common channel. See FIGS. 1 and 2, and col. 8, lines 26-50.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 22-24, 27-29, 32-34 and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta in view of Wiberg et al. (US 6,628,946 B1).

Regarding claims 22, 27, 32 and 37, Dutta fails to specifically disclose delivering information when the mobile station is in idle state with no traffic channel. In an analogous art, Wiberg et al. disclose a system for broadcasting information in a mobile network in which

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information is delivered to a mobile station when the mobile station is in idle state with no traffic channel. See col. 17, lines 61-64 and col. 18, lines 6-11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the delivering step in Dutta by delivering when the mobile station is in idle state, as taught by Wiberg et al., so that the mobile station does not need to repeatedly access the information at a remote location and consume unnecessary radio resources.

Regarding claims 23, 24, 28, 29, 33, 34, 38 and 39, Dutta fails to disclose that the forward common channel is a control or paging channel.

However, Wiberg et al. disclose a system for broadcasting information in a mobile network in which base station transmits frames to a mobile station over a control or paging channel. See col. 3, lines 24-49 and col. 13, lines 3-23. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method in Dutta by delivering the information over a control or paging channel, as taught by Wiberg et al., so that system data in the frames can be used to establish connection of call communication with the mobile station.

5. Claims 25, 30, 35 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta in view of Sayeedi (US Patent Application Publication No. 2002/0145990 A1).

Regarding claims 25, 30, 35 and 40, Dutta fails to disclose delivering the information on the common channel in short data burst form.

Sayeedi discloses delivering information from a base station to a mobile station on a common control channel in short data burst form. See claim 2, lines 4-7. It would have been

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obvious to one of ordinary skill in the art at the time the invention was made to modify the delivering step in Dutta by using a short data burst on the common control channel as taught by Sayeedi so that a minimal amount of bandwidth is used on the channel and traffic channels are not used up unnecessarily.

Response to Arguments

6. Applicant's arguments filed 4/28/06 have been fully considered but they are not persuasive.

Applicant states that Dutta does not teach a forward common channel. In order to define common channels, Applicant points page 11, paragraph 57 of the present specification.

However, Examiner respectfully responds that the details of the description in the specification pointed out by Applicant are not recited in the claimed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, it is suggested that Applicant amend the claims to further define a common channel by incorporating the details from the specification.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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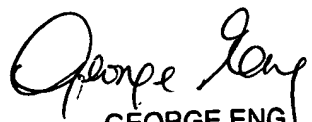
MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917. The examiner can normally be reached on Weekdays, 9-6, with first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sb


GEORGE ENG
SUPERVISORY PATENT EXAMINER